# City of Cave Springs City Council Meeting – American Legion Building October 11, 2016

#### Call to Order

Mayor Lee officially called the meeting to order at 6:30 pm. The meeting was opened with the Pledge of Allegiance and prayer.

### **Roll Call**

Mayor Travis Lee	Present
Mary Ann Winters	Present
Larry Fletcher	Present
Brett Moore	Present
Marc Williams	Present
Jay Finch	Present
Joan White	Present

#### **Others Present**

Kimberly Hutcheson, City Recorder / Treasurer Craig Southern, City Planning / Zoning Official Charlie Holyfield, Vice Mayor Tom Gheen - Accountant

## APPROVAL OF THE CITY COUNCIL AGENDA

Alderman Fletcher made a motion to approve the October 11, 2016 agenda, Alderwoman White seconded the motion. Passed 6-0

Mary Ann Winters	YES
Jay Finch	YES
Joan White	YES
Larry Fletcher	YES
Brett Moore	YES
Marc Williams	YES

## APPROVAL OF CITY COUNCIL MINUTES

Alderman Finch made a motion to approve the minutes from the August 9th, 2016 meeting. Alderman Williams seconded the motion. Passed 6-0

Mary Ann Winters	YES
Jay Finch	YES
Joan White	YES
Larry Fletcher	YES
Brett Moore	YES
Marc Williams	YES

Alderman Fletcher made a motion to approve the minutes from the September 6th, 2016 special city council meeting. Alderman Williams seconded the motion. Passed 6-0

Mary Ann Winters	YES
Jay Finch	YES

Joan White	YES
Larry Fletcher	YES
Brett Moore	YES
Marc Williams	YES

Alderman Moore made a motion to approve the minutes from the September 13, 2016 meeting. Alderwoman White seconded the motion. Passed 6-0

Mary Ann Winters	YES
Jay Finch	YES
Joan White	YES
Larry Fletcher	YES
Brett Moore	YES
Marc Williams	YES

Alderwoman Winters made a motion to table the minutes from September 27, 2016 special city council minutes due to them not being in the council packet. Alderman Finch seconded the motion. Passed 6-0

Mary Ann Winters	YES
Jay Finch	YES
Joan White	YES
Larry Fletcher	YES
Brett Moore	YES
Marc Williams	YES

## **CITY FINANCIALS- August & September 2016 Financial Reports**

Alderman Fletcher made a motion to table the financial reports until the audit has passed. Alderwoman White seconded the motion. Passed 5-1

Mary Ann Winters	YES
Jay Finch	NO
Joan White	YES
Larry Fletcher	YES
Brett Moore	YES
Marc Williams	YES

Alderwoman Winters made a motion to Freeze all spending & hiring. An employee cannot transfer positions to receive more pay. The only approved spending will be necessary items from now till the 1<sup>st</sup> of January 2017. (Payroll will be a necessity) The City Treasurer will make the decision on what bills will need to be paid. Alderman Fletcher seconded the motion. Passed 5-1

Mary Ann Winters	YES
Jay Finch	NO
Joan White	YES
Larry Fletcher	YES
Brett Moore	YES
Marc Williams	YES

Alderman Fletcher made a motion to create a Finance Committee. The Mayor will appoint 3 council members and 2 citizens. The Finance Committee will meet once a week, and approve bills. Alderman Moore seconded the motion. Passed 4-2

Mary Ann Winters	NO
Jay Finch	NO
Joan White	YES
Larry Fletcher	YES
Brett Moore	YES
Marc Williams	YES

## **Department Reports:**

## Fire Report:

No questions were asked of the Council.

### **Police Report:**

Police Dept. solved a burglary at the Dollar General Store in Cave Springs.

## Water & Sewer Committee:

No questions were asked of the Council.

## **Mayors Report:**

- Alderman Williams Couple of residents are upset regarding the millage increase. When it was voted on it caught some of us by surprise. It was approved 5-0 Alderman Williams was the only council member who did not approve of this. What Alderman Williams wants to do is roll back the millage at the November council meeting, and put it back on the agenda and vote in regards of lowering the millage.
- 2. Judge Bunch would like to recommend a deputy court clerk. Grace Fielding is our court clerk and would like to appoint Jaci Hawkins as our deputy court clerk. Due to the City being in a hiring freeze no changes will be made and will use an existing employee.
  - a. Grace Fielding: The reason the judge wants an employee as a court clerk is because of the court disbursements. The court clerk needs to be a part time employee instead of a contracted employee, and needs to be on the court bank account by law.
  - b. The annual salary amount \$18,200 a year.

Alderman Fletcher made a motion to appoint Grace Fielding as the City of Cave Springs court clerk, Alderwoman White seconded the motion. Passed 5-1

Mary Ann Winters	NO
Jay Finch	YES
Joan White	YES
Larry Fletcher	YES
Brett Moore	YES
Marc Williams	YES

Alderman Fletcher made a motion to add Grace Fielding to the court bank account as a bank signer, Alderman Finch seconded the motion. Passed 6-0

YES
YES

Judge Bunch's recommendations will be that Grace Fielding will pay all of the disbursements, and disburse the General Funds to the City Treasurer at the end of the month.

Alderwoman Winters, pulled the job duties from 6 years ago for the City Treasurer / Recorder. She is giving them to every council member to work these up and discuss in a work session. This is an informational use only.

Mayor Lee: Employee discussion (Executive Session) We will not be voting on anything, just a discussion.

Alderwoman Winters: Joe Powell filed with his attorney to request an appeal and Alderwoman Winters spoke with Mark Hayes and per his request we needed to vote to hear his appeal. We are only voting to hear the appeal. Alderman Fletcher asked if we are required to hear the appeal, and Mark Hayes advised the City of Cave Springs to hear the appeal. Further discussion will be in the Executive Session.

## **New Business:**

NONE

#### **Public Comments**

- Jeff & Tracy Hensley 456 S. Rainbow Rd. Cave Springs
  - a. Heard about it thru his neighbor. Does not approve of the bike trail for the following reasons.
    - 1. Privacy
    - 2. Liability / Insurance
    - 3. Property Value
    - 4. Family / Safety of his family
    - 5. Handed out 5 separate local instances of issues on local city bike trails.
- 2. Jim & Cindy Weir 116 S. Rainbow Rd. Cave Springs
  - a. Dr. Weir has 40 acres on Rainbow Road, that backs up to Ridgewood Subdivision. He heard about the trail from a neighbor. Bike trail is approx. 30 feet of barn. It will wreck the Ridgewood Subdivision's back yards.
  - b. The new proposed trail is on the Northside now.
  - c. I encourage everyone to look up Cave Springs Karst study. 18 of the 40 acres is totally out of his control due to Karst Study.
  - d. I have been told 3 times if I did not want this on my property it would not go on my property.
- 3. Scott Chambliss 500 S. Rainbow Rd. Cave Springs
  - a. Does not approve of the bike trail
- 4. Scott Stubbs 1612 Parkridge Way Cave Springs
  - a. Does not approve of the bike trail
  - b. Paid a lot of money for peace, scenery and will wreck our property value.
- Chuck Steiger 1610 Parkridge Way Cave Springs
  - a. Does not approve of the bike trail
    - Mayor was all for moving it to Shores Dr. at the last meeting, now we have the grant and it is going to be on Parkridge Way.
    - 2. This should not cost me a dime, now I will have to put in a fence.

## 6. Terry Rakes - Lifetime Resident of Cave Springs

### Finances / Thru FOIA

- a. 25 people who have resigned / fired since the Mayor took office.
- b. 34 people who have received raises
- c. \$45,000 \$65,000 Is what Mayor Lee's raise was in 2016 / \$20,000.00
- d. \$35,000 \$50,000 Is what Charlie Holyfield's Vice Mayor raise was and he is also receiving a monthly \$600.00 Vehicle Allowance which brings his salary to \$57,200.00 a year.
- e. Nicole, The Mayor's assist makes \$39,999.00
- f. Kimberly, The City Treasurer makes \$45,000.00
- g. Council went from \$100.00 \$400.00 a month \$21,600 a year to pay our council
- h. Sands Road council approved \$75,000.00 spent \$80,000.00 overspent by \$5000.00
- i. Community Building: The council approved \$75,000.00 and the Mayor has already approved over \$5000.00 for 6 digital monitors and replaced an I phone without council's approval.
- j. The last 2 payrolls were taken away from the Treasurer and was given to Nicole the Mayor's assistant. The Mayor stated at the last council meeting 2 employees were overpaid and there were actually 17 employees who were overpaid.
- k. The Mayor stated that his personal car was outfitted for approx. \$3000.00 of equipment paid for by The City of Cave Springs, the Mayor gave that car to the City. I ask for a copy of the title and there is not one. The Mayor then said that the equipment was removed from the vehicle. I sent in an FOIA to the Police Department and asked what was in the inventory, that equipment was not in the inventory.

## 7. Rita Duran – 1600 Parkridge Way

- 1. We have had 2 meetings, first one was at the IRWS. 60 people attended, second one had 70 people. Not one person wants the bike trail. 20% are directly impacted 80% are indirectly impacted.
- 2. The Mayor said at the last meeting he did not have an issue with moving the trail to Shores.

# 8. Mike Martin – Wellington Subdivision

- 1. Trusted the City several years ago and look at Wellington now. I have a Red Dirt Mine in my back yard with a 50' drop off.
- 2. We are all here for the same purpose. I encourage the city to step back and look who we want to be when we grow up. I don't want to be Bentonville or Fayetteville. We need to hold our city government accountable. We are not acting like this is an emergency, we need to look at our finances. If not, we will be holding you accountable.

## 9. Mary Claire Scotten -

- 1. I have had nothing but conflict with the City of Cave Springs since I have lived here in 1972. This mayor was different.
- 10. Randy Noblett 618 Weston Circle Cave Springs
  - 1. Paid his taxes this week. The state rolled it back to 4.95 and on this year's millage it shows 5 mills.

# 11. Jackie Ally – Ridgewood

- Does not approve of the bike trail.
  - a. A friend of hers had a man expose himself on the bike trail in Springdale, and does not want that in her backyard. If the trail goes in, they will sell their home. There are other things we can do for the city. We are sick of being bulled over.

# 12. Rhett Daniel – 1402 Autumn Ridgeway

- 1. Does not approve of the bike trail.
  - a. I have two small kids. Pedophiles & thieves are what is going to be in our backyard.

b. Who wants to come to Cave Springs to see the downtown area?

## 13. Tim Chastin – POA President of Ridgewood Subdivision

1. Mayor you committed to us 3 weeks ago at the IRWS that if we did not want that trail in our subdivision you would make sure that it happened that it would be moved to Shores. If you do not hold up to that we are going to hold you accountable and we will send you packing and vote you out of office. We are going to stand together. The rest of the council might not have heard as much as the Mayor has. The city has been transparent about this issue. We don't want your trail. If you can't afford to run the city how can you afford to maintain a bike trail? Sounds like you are bankrupt.

## 14. Sandra Hight – Sands Road

1. Repair and Resurface Sands Rd. The city said they were going to pay \$80,000.00 to do this work, and it is now a dirt road. I have commented on the City Facebook Page and what happened I was deleted. Did this go out for bid, and If it did not why? Seems like an awful lot of money for a dirt road. I think it is time that someone resigns.

## 15. Dereck Fletcher – Ridgewood

1. My family owns 80 acres and have never been informed by the City of Cave Springs about the trail. I think after what I have heard already I think it is a good thing to reconsider this trail. I think you all should be ashamed of yourself.

## 16. Tammy Adams - N. Main Street

1. I don't understand why the City has so many employees. I can't understand why we need a Vice Mayor, and why we raised payroll 50%. I am willing to offer my time and help organize free of charge.

## 17. Ann - Cave Springs

1. Community Building / Larry Fletcher he has met with BJ Burney and Bob Smittle. It is not coming along as fast as we expected. You will be very proud of progress that is going on, the open ceilings, etc.. It will not be ready by Thanksgiving; we are hoping by Spring.

#### Old Business:

NONE

#### **New Business:**

Alderman Williams made a motion an amend the agenda to bring back the millage to 2.75 from 5.0, Alderwoman Winters seconded the motion. Alderwoman Winters said that it needs to be voted on by a certain time frame. Mayor Lee stated that it is not that easy I don't know last time we had a city attorney. Passed 5-1

Mary Ann Winters	YES
Jay Finch	NO
Joan White	YES
Larry Fletcher	YES
Brett Moore	YES
Marc Williams	YES

Mayor Lee Put on the agenda as #13, for a vote on the millage.

### 1. DISCUSSION:

Proposed Ordinance to amend Article 6, Article 10, Article 12 and add a new Article 11 of the Planning and Zoning Regulations for the City of Cave Springs, Benton County, Arkansas. Staff requests the final review for the proposed Ordinance amending, adding to, replacing, and/or renumbering the same, to the extent necessary for the purposes of this amendment, specifically to amend the Planning and Zoning Regulations for the City of Cave Springs to amend ARTICLE 6

ZONING DISTRICT REGULATIONS, ARTICLE 10 GENERAL STANDARDS, ARTICLE 12 ADMINISTRATION AND ENFORCEMENT and add ARTICLE 11 LANDSCAPING.

Alderman Fletcher made a motion to table discussion, Alderwoman Winters seconded the motion. Passed 6-0

# 1b. Simpson Property – 223 N. Main Street Cave Springs, AR

Alderwoman Winters spoke to Jon Simpson this weekend. This building has been in their family since the early 1920's, it has always had some kind of business in it. He was ok with the C2 zoning; he did not feel all of the extra conditions that were now attached is appropriate. Alderwoman Winters made a motion to the council to drop the 8 conditions that the Planning Commission has requested of the Simpsons regarding the property.

Mayor Lee: We would be breaking the law if we do this.

Suzy Fehlig: I am on the Planning commission and this is being brought to the planning commission before it is brought to the council and we have asked him to do certain things. You can't put this as a motion until it comes thru Planning first.

## 2. DISCUSSION:

Regarding Resolution Trail Environmental Regulations and Funding Agreements.

- a. Cassie Elliott w/ Visionary Milestones & Kevin Beaumont w/ McClelland Engineering
  - 1. Cassie will not be around November & December meetings
  - Cassie has been speaking to Jeff Hawkins from NWAR Planning. She is bringing a resolution to the council
    tonight. Something that needs to be addressed first is the Karst study. There are a lot of moving parts and
    wants to be transparent about it. She wants to come up with a route to take into consideration what the
    people want.
  - 3. Kevin said there is Federal Grant Money involved. The trail does go thru the high risk area, there are buffer zones and it will not interfere with the Karst Study.
  - 4. Cassie met with Daniel Barnes at McClelland 2 years ago and they started planning then. This NWA Bike and Ped Plan was approved March 30, 2015 by a resolution by the City Council.

Alderman Fletcher: Does the Karst study have to be approved by a resolution before the bike trail can go forward?

Cassie Elliott: Yes before you can receive federal grant money. Jeff Hawkins said that before a \$244,000 grant is issued a Karst Ordinance must be passed.

Alderman Fletcher: Will it cost the city any money to build that trail? Until we get 100% funding we will not work on the trail. Cassie said that we are not there yet. We have everyone stirred up to let them know how they feel. If any land has to be condemned it will have to go before the council. Alderman Fletcher asked if the council can choose where the trail can go? Kevin Beaumont said yes it is your trail. Cassie said that Lowell's stopping point is at the end of Ridgewood. Alderman Moore asked if we can connect somewhere else? If this council voted to run it down Shores, that will tell you how much money you will need to raise? Alderman Fletcher feels it needs to go down Shores and stay off these people's property. Fletcher wants the trail on Shores

Rita Duran: Said that Kevin Beaumont mentioned said the trail will stop at Raush Coleman, why can it not tie in by the school and then go down Shores Lane.

Alderwoman Winters: When Ridgewood was built Dr. Weir had a contract that his pond was going to be used as retention pond. Kevin Beaumont stated that if that is the case then we will have to make revisions to the design.

Alderman Fletcher made a motion that the bike trail go down Shores Ave. Alderman Williams seconded the motion.

Alderman Finch: Point of order is that on the agenda. Alderman Fletcher said yes it was, Alderman Finch said not to change the trail.

Alderman Fletcher: Withdrew his motion and made a motion to amend the agenda and put to vote on moving the trail to Shores, Alderwoman Winters seconded the motion.

Alderwoman White: If the council needed to advise the people on Shores that the location of the trail has moved? There are a few homes.

The crowd stated "no one told them about the trail."

Alderman Finch: Mr. Mayor, I don't think we can hold a vote until we let the people know that there is going to be a trail there. All of this mob hooting and hollering out here is not going to fix any of these problems. If we vote to put it on Shores Road, then those people will never realize the trail was going to go there because no one told them. We have had two public meetings regarding this trail so the nonsense about not knowing is just not true.

Resident of Cave Springs "Hutch" stated there is a motion and a second. Alderman Finch said that is why we are having a discussion "Numb Nuts".

Mayor: If you want to just vote on this now?

Alderman Finch: It is entirely a bad idea to vote now on the direction of the trail without notifying the people who are impacted by it. We have never taken a vote, or voted on the lay out of the trail by Ridgewood or anywhere else ever. I don't know what the Brew Ha Ha is about. No one can take your land or no one can say the trail is going to be there unless you have been notified, and which all of you have had. Yes, you have because you are here now.

Mayor: Let's not vote on it tonight and let's notify the residents on Shores, if we can't even go that route. It won't go thru Ridgewood if we don't want it to go thru Ridgewood.

Crowd is asking to vote on it!

Alderman Finch: Said do not be pushed by the Mob to do something we should not do.

Mayor: Let's not do this we can vote when we get the environmental study." When we get all of the studies done that is when we will decide where it is going to go. The decision that we go with will be based on the studies. We just need a route to apply for the finances.

Crowd: Then why can't you eliminate one off the list? You already know we don't want it.

Mayor: It is already off the list. I will not even consider that on the list.

Crowd: I don't know why you are arguing if you're not looking at the trail going in Ridgewood.

Mayor: I don't want to eliminate something and totally disregard everything we have done with the grants and everything else.

Crowd: Mayor you said that this is all proposed and nothing has been planned. It's pretty well planned out.

Mayor: It's a trail, we can make a motion. I am not even sure if we can get rid it. I know you all don't want it so I am not going to push it to go that route.

City Recorder: Can we make a motion to vote that it won't be on Ridgewood?

Mayor: I don't know if we can, per the guidelines of the grant.

Alderman Fletcher: I made a motion and we need to vote on it.

Alderman Finch excused himself of the council meeting at 8:40 pm.

Alderman Fletcher: I made motion to put the vote on the agenda.

Alderwoman White: Let me get this clear, it is only to put the item on the agenda and not to vote.

Alderman Fletcher: YES

Motion Passed 5-0 Agenda Item #14

## 3. DISCUSSION:

Regarding Hazard Mitigation Plan Resolution 2016-18

a. This was passed in 2014. Passed by FEMA for future funding.

Alderman Williams made a motion to pass Resolution 2016-18, Alderman Moore seconded the motion. Passed 5-0

Mary Ann Winters	YES
Jay Finch	ABSENT
Joan White	YES
Larry Fletcher	YES
Brett Moore	YES
Marc Williams	YES

## 4. DISCUSSION:

Two Water / Sewer Trucks

Alderwoman Winters made a motion to table this until after the audit, Alderman Fletcher seconded the motion. Passed 5-0

### 5. DISCUSSION:

Regarding Waste Management Amendment

Alderman Fletcher made a motion to table until we have legal counsel, Alderwoman Winters seconded the motion. Passed 5-0

#### 6. DISCUSSION:

**Regarding Financial Committee** 

Was approved under City Financials

## 7. DISCUSSION:

Regarding a Personnel Committee

Alderman Fletcher made a motion to combine the Financial Committee & the Personnel Committee, Alderwoman White seconded the motion. Passed 5-0

#### 8. DISCUSSION:

Regarding hiring a new City Attorney

Mayor: Wanting to do this in a Special City Council Meeting. I will schedule all attorneys to attend this week's Special City Council Meeting. It will be open to the public. We will post on Facebook and Newspaper.

#### 9. DISCUSSION:

Regarding hiring an Auditor

Alderman Fletcher: No one is going to change the financials. The State is coming in November, and let's put this on hold and let's let the State Auditors come in and do the audit. State Senator Bart Hestor, is on the oversite committee for Legislative Audit. Fletcher met with Senator Bart Hestor and as soon as the auditor is completed with Benton Co. they will be coming to Cave Springs.

Alderwoman Winters: I have known David Williams for years. He was on Legislative Audit for 34 years. If we needed any assistance in book keeping he will be glad to assist us. He will charge us \$80.00 an hour. We can wait on the audit.

Alderman Williams agreed with Alderman Fletcher, waiting three weeks is not going to be a bad idea.

Alderman Fletcher made a motion to wait till we have our Legislative State Audit until we hire an private auditor, Alderman Williams seconded the motion. Passed 5-0

Mary Ann Winters	YES
Jay Finch	ABSENT
Joan White	YES
Larry Fletcher	YES
Brett Moore	YES
Marc Williams	YES

#### 10. DISCUSSION:

Regarding amending the Annexation Ordinance

Alderman Fletcher made a motion to table the Annexation Ordinance until we have legal counsel, Alderman Moore seconded the motion. Passed 5-0

#### 11. DISCUSSION:

Regarding Memorandum of Agreement with NWARPC – GIS. Paperwork was due September 26, 2016.

Alderman Williams made a motion to table the Agreement with NWARPC until after the audit, Alderman Fletcher seconded the motion. Passed 5-0

## 12. DISCUSSION:

Regarding citizen of the year

Alderman Fletcher made a motion to table the discussion regarding Citizen of the Year, Alderman Williams seconded the motion. Passed 5-0

# 13. AMEND AGENDA TO VOTE ON MILLAGE TO ROLLBACK TO PREVIOUS MILLAGE.

Alderman Williams made a motion to roll back the millage to the previous amount of 2.75 - from 5.0 if this process is legal, Alderman Fletcher seconded the motion. It has to be turned in by the November Benton County Quorum Court Session. Failed 3-2

Mary Ann Winters

Jay Finch

Joan White

Larry Fletcher

Brett Moore

Marc Williams

YES

ABSENT

NO

NO

NO

YES

## 14. DISCUSSION:

Regarding the location of bike trail to Sands Road

Craig Southern: This needs to go before the Planning Commission before it goes to Council.

Mayor: The Council can vote, all though I don't feel this is a good idea at this time.

Resident: Can you vote to eliminate the trail?

Mayor: NO

Resident: Why not?

Mayor: Because the public wants this trail, that's not who I have been talking to.

Resident: Everyone who cares about it has shown up, and we don't want it.

Resident: You said the council had to vote on it.

Alderman Fletcher: I think Planning needs to be involved and I am not willing to make a motion. With that being said I will not come off of my feelings of putting it on Shores Ave, absolutely will not come off of that.

Resident: Can you not just vote on not putting it on a specific area?

Craig Southern: It needs to go before the Planning Commission, and they need to recommend something to the City Council. The planning commission meeting is November 1<sup>st</sup>, and it is an open meeting.

Alderman Fletcher made a motion to table this discussion, Alderman Williams seconded the motion. PASSED 4-2

Mary Ann Winters NO
Jay Finch ABSENT
Joan White YES
Larry Fletcher YES
Brett Moore NO
Marc Williams YES
Mayor Lee YES

Alderman Williams made a motion to kill the trail all together. No one seconded the motion

Mayor: We can't do that.

Alderman Williams: Here's how things are going to play out. The people on Shores will not be happy and the people at Ridgewood will not be happy. I am a fan of personal property rights and not big government. In Chicago they have beautiful trails. This greenway trail sucks, I am against spending money. I am tired of the drama. If we are not going to table it, let's just kill it I am tired of spending the time on it.

Alderman Moore: I don't think killing it is the right thing to do. We have spent a lot of time on this and it is good for the community, that is why we are here. I am glad you all came out.

Alderman Williams: Shores is not going to work either. You all might as well kill it and put it out of its misery.

Mayor: We cannot just kill it.

Alderman Moore: We all agree that we will not put it on Ridgewood. It needs to go to Planning Commission.

Alderwoman Winters: To table it means it will go to the next City Council meeting. The Planning Commission needs to take in consideration the safety, health and welfare of the citizens of Cave Springs.

Alderman Fletcher made a motion to table it and send it to the Planning Commission, Alderman Moore seconded the motion. PASSED 5-0

Mary Ann Winters	YES
Jay Finch	ABSENT
Joan White	YES
Larry Fletcher	YES
Brett Moore	YES
Marc Williams	YES

Alderman Fletcher made motion to go into Executive Session at 9:25 PM. Alderman Moore seconded the motion. All approved 5-0.

Alderman Williams excused himself from the Executive Session.

Mayor Travis Lee	-	Kimberly Hutcheson, City Recorder